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Sixty-fifth session

# Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

## Intergovernmental science-policy platform on biodiversity and ecosystem services

### Letter dated 15 July 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

In accordance with rule 14 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Intergovernmental science-policy platform on biodiversity and ecosystem services".

As the host country of the third ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services (Busan, Republic of Korea, 7-11 June 2010), convened at the request of the Governing Council of the United Nations Environment Programme, where a large number of Governments agreed to establish an intergovernmental science-policy platform on biodiversity and ecosystem services and invited the General Assembly to take appropriate action for that purpose, the Government of the Republic of Korea, which also served as the Chair of that meeting, emphasizes the particular importance of this matter to the international community in the field of sustainable development and the environment.

In accordance with rule 20 of the rules of procedure of the General Assembly, this request is accompanied by an explanatory memorandum (annex I), the recommendations adopted by the representatives of Governments represented at the above-mentioned meeting entitled "Busan Outcome", which is deemed to constitute the basis for a draft resolution of the General Assembly as contained in the annex to the report of the meeting (annex II) and a draft resolution (annex III).

It would be appreciated if this note and its annexes could be circulated as a document of the General Assembly.

(*Signed*) In-kook **Park**
Permanent Representative

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## Annex

### Explanatory memorandum

The current science-policy interface for biodiversity and ecosystem services comprises various national and international programmes, organizations, mechanisms and processes. The biodiversity and ecosystem-related multilateral environmental agreements,[a] for example, contain provisions on scientific and technical cooperation. Their contribution to policymaking at the appropriate levels could, however, be strengthened further if an intergovernmental science-policy platform were able to provide credible, legitimate, salient and policy-relevant information for tackling changes to biodiversity and ecosystem services at all levels.

In the light of this growing recognition that there is a strong need to strengthen the science-policy interface on biodiversity and ecosystem services, under the facilitation of the United Nations Environment Programme (UNEP), three ad hoc intergovernmental and multi-stakeholder meetings on a science-policy platform on biodiversity and ecosystem services have been organized since 2008.

The third ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services was held in Busan, Republic of Korea, from 7 to 11 June 2010, which was convened by the Executive Director of UNEP as requested by the UNEP Governing Council and hosted by the Government of the Republic of Korea. A total of 86 Governments and 40 organizations, including relevant United Nations bodies and agencies, secretariats of major multilateral environmental agreements and other intergovernmental organizations, were represented at the meeting.

The main outcome of the Busan meeting was an agreement among Governments to establish a new intergovernmental science-policy platform on biodiversity and ecosystem services, which, in many ways, is expected to perform functions for biodiversity and ecosystem services similar to those performed by the Intergovernmental Panel on Climate Change in respect of global climate change.

At the meeting, the representatives of Governments recommended that the General Assembly at its sixty-fifth session should be invited to consider the conclusions set out in the Busan Outcome document and take appropriate action for the establishment of the platform. The recommendation of the Busan meeting is in conformity with decision SS.XI/4 of the UNEP Governing Council, by which the Governing Council requested the Executive Director to convene the Busan meeting to negotiate and reach agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services and to transmit the outcomes of the meeting to the General Assembly at its sixty-fifth session for consideration during the high-level segment on biological diversity in September 2010 and thereafter. The Busan Outcome document further states that the UNEP

[a] Those agreements include, among others: the Convention on Biological Diversity; the Convention Concerning the Protection of the World Cultural and Natural Heritage; the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the Convention on the Conservation of Migratory Species of Wild Animals; the Convention on Wetlands of International Importance Especially as Waterfowl Habitat; the International Treaty on Plant Genetic Resources for Food and Agriculture; and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

Governing Council should invite the Executive Director, in cooperation with other United Nations bodies, such as the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the United Nations Development Programme, to continue to facilitate any ensuing process to establish a platform until such time as a secretariat is established.

In the context of the International Year of Biodiversity in 2010 and the high-level segment on biodiversity at the General Assembly in September 2010, it is of paramount importance for the international community to establish an intergovernmental science-policy platform on biodiversity and ecosystem services through consideration and appropriate action by the General Assembly at its sixty-fifth session. Since this matter goes beyond the role and mandate of any single United Nations body or agency or multilateral environmental agreement and requires a holistic approach to promote international cooperation in this field, the General Assembly appears to be the most appropriate body to consider and set out the course of necessary international action to that end.

# Annex II

## Busan Outcome

The representatives of Governments at the third ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services, convened in Busan, Republic of Korea, from 7 to 11 June 2010:

1. Recall decision SS.XI/4 of 26 February 2010, by which the Governing Council of the United Nations Environment Programme requested the Executive Director of the United Nations Environment Programme to convene, in June 2010, a third and final ad hoc intergovernmental and multi-stakeholder meeting to negotiate and reach agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services and to transmit, on behalf of the Governing Council, the outcomes of and necessary documentation from the third and final meeting to the General Assembly at its sixty-fifth session for consideration during the high-level segment on biological diversity in September 2010 and thereafter;

2. Note the outcomes of the first and second ad hoc intergovernmental and multi-stakeholder meetings on an intergovernmental science-policy platform on biodiversity and ecosystem services, held in Putrajaya, Malaysia, from 10 to 12 November 2008, and in Nairobi from 5 to 9 October 2009, respectively;

3. Acknowledge the importance of terrestrial, marine and coastal, and inland water biodiversity and ecosystem services which, while critically important for sustainable development and current and future human well-being, particularly with regard to poverty eradication, are currently experiencing significant loss; also acknowledge that the science-policy interface on biodiversity and ecosystem services must be strengthened at all levels; and further acknowledge the importance of ensuring that the science made available is of the highest quality and independence, of enhancing cooperation with relevant United Nations bodies and of building capacity to mainstream biodiversity and ecosystem services;

4. Welcome the expressions of interests in supporting the proposed platform by the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization and the Food and Agriculture Organization of the United Nations and encourage further consideration of their roles by their respective governing bodies;

5. Note the interest of the United Nations Development Programme in the proposed platform and the important role of that organization in capacity-building within the United Nations system;

6. Conclude, having now reached agreement, as requested by the Governing Council of the United Nations Environment Programme through its decision SS.XI/4, that an intergovernmental science-policy platform for biodiversity and ecosystem services should be established to strengthen the science-policy interface or biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development, as follows:

(a) Focusing on government needs and based on priorities established by the plenary, the platform should respond to requests from Governments, including those

conveyed to it by multilateral environmental agreements related to biodiversity and ecosystem services as determined by their respective governing bodies. The plenary should welcome inputs and suggestions from, and the participation of, United Nations bodies related to biodiversity and ecosystem services as determined by their respective governing bodies. The plenary should also encourage and take into account, as appropriate, inputs and suggestions made by relevant stakeholders, such as other intergovernmental organizations, international and regional scientific organizations, environment trust funds, non-governmental organizations and the private sector. To facilitate this, and to ensure that the platform's work programme is focused and efficient, a process to receive and prioritize requests should be established by the plenary;

(b) The new platform should identify and prioritize key scientific information needed for policymakers at appropriate scales and catalyse efforts to generate new knowledge by engaging in dialogue with key scientific organizations, policymakers and funding organizations, but should not directly undertake new research;

(c) The new platform should perform regular and timely assessments of knowledge on biodiversity and ecosystem services and their interlinkages, which should include comprehensive global, regional and, as necessary, subregional assessments and thematic issues at appropriate scales and new topics identified by science and as decided upon by the plenary. These assessments must be scientifically credible, independent and peer-reviewed, and identify uncertainties. There should be a clear and transparent process for sharing and incorporating relevant data. The new platform should maintain a catalogue of relevant assessments, identify the need for regional and subregional assessments and help to catalyse support for subregional and national assessments, as appropriate;

(d) The new platform should support policy formulation and implementation by identifying policy-relevant tools and methodologies, such as those arising from assessments, to enable decision makers to gain access to those tools and methodologies, and, where necessary, to promote and catalyse their further development;

(e) The new platform should prioritize key capacity-building needs to improve the science-policy interface at appropriate levels and then provide and call for financial and other support for the highest-priority needs related directly to its activities, as decided by the plenary, and catalyse financing for such capacity-building activities by providing a forum with conventional and potential sources of funding;

(f) The new platform should be established as an independent intergovernmental body administered by one or more existing United Nations organizations, agencies, funds or programmes;

(g) The plenary, which should be the platform's decision-making body, should be open to participation by all States Members of the United Nations and by regional economic integration organizations. Intergovernmental organizations and other relevant stakeholders should participate in the plenary as observers, in accordance with the rules of procedure established by the plenary. Through its rules of procedure, the plenary should in general take decisions by consensus of Government representatives;

(h) One chair and four vice-chairs, taking due account of the principle of geographical balance among the five United Nations regions, should be nominated and selected by Governments which are members of the plenary. The criteria, nomination process and length of service should be decided by the plenary;

(i) A core trust fund to be allocated by the plenary should be established to receive voluntary contributions from Governments, United Nations bodies, the Global Environment Facility, other intergovernmental organizations and other stakeholders, such as the private sector and foundations;

7. Also conclude that in carrying out its work the platform should:

(a) Collaborate with existing initiatives on biodiversity and ecosystem services, including multilateral environmental agreements, United Nations bodies and networks of scientists and knowledge holders, to fill gaps and build upon their work, while avoiding duplication;

(b) Be scientifically independent and ensure credibility, relevance and legitimacy through the peer review of its work and transparency in its decision-making processes;

(c) Use clear, transparent and scientifically credible processes for the exchange, sharing and use of data, information and technologies from all relevant sources, including non-peer-reviewed literature, as appropriate;

(d) Recognize and respect the contribution of indigenous and local knowledge to the conservation and sustainable use of biodiversity and ecosystems;

(e) Provide policy-relevant information, but not policy-prescriptive advice, mindful of the respective mandates of the multilateral environmental agreements;

(f) Integrate capacity-building into all relevant aspects of its work according to priorities decided by the plenary;

(g) Recognize the unique biodiversity and scientific knowledge thereof within and among regions, and also recognize the need for the full and effective participation of developing countries and for balanced regional representation and participation in its structure and work;

(h) Take an interdisciplinary and multidisciplinary approach that incorporates all relevant disciplines, including social and natural sciences;

(i) Recognize the need for gender equity in all relevant aspects of its work;

(j) Address terrestrial, marine and inland water biodiversity and ecosystem services and their interactions;

(k) Ensure the full use of national, subregional and regional assessments and knowledge, as appropriate;

8. Further conclude that the platform's efficiency and effectiveness should be independently reviewed and evaluated on a periodic basis as decided by the plenary, with adjustments to be made as necessary;

9. Recommended that the General Assembly at its sixty-fifth session should be invited to consider the conclusions set out in the present outcome document and take appropriate action to establish the platform;

10. Also recommend that the Governing Council of the United Nations Environment Programme should invite the Executive Director of the United Nations Environment Programme, in cooperation with the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the United Nations Development Programme, to continue to facilitate any ensuing process to implement the platform until such time as a secretariat is established.

# Annex III

## Draft resolution

## Intergovernmental science-policy platform on biodiversity and ecosystem services

*The General Assembly*,

*Acknowledging* the importance of terrestrial, marine and coastal, and inland water biodiversity and ecosystem services which, while critically important for sustainable development and current and future human well-being, particularly with regard to poverty eradication, are currently experiencing significant loss,

*Also acknowledging* that the science-policy interface on biodiversity and ecosystem services for human well-being and sustainable development must be strengthened at all levels,

*Further acknowledging* the importance of ensuring that the science made available is of the highest quality and independence, of enhancing cooperation with relevant United Nations bodies and of capacity-building to mainstream biodiversity and ecosystem services,

*Recalling* decision SS.XI/4 of 26 February 2010 of the Governing Council of the United Nations Environment Programme by which the Governing Council requested the Executive Director of the United Nations Environment Programme to convene, in June 2010, a third and final ad hoc intergovernmental and multi-stakeholder meeting to negotiate and reach agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services and to transmit, on behalf of the Governing Council, the outcomes of and necessary documentation from the third and final meeting to the General Assembly at its sixty-fifth session for consideration during the high-level segment on biological diversity in September 2010 and thereafter,

*Noting and welcoming* the outcomes of the third ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services, convened in Busan, Republic of Korea, from 7 to 11 June 2010, in particular the recommendations of the representatives of Governments entitled "Busan Outcome", as contained in the annex to the report on that meeting,

1. *Determines* that an intergovernmental science-policy platform for biodiversity and ecosystem services should be established as an independent intergovernmental body to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development, as follows:

(a) Focusing on Government needs and based on priorities established by the plenary, the platform should respond to requests from Governments, including those conveyed to it by multilateral environmental agreements related to biodiversity and ecosystem services as determined by their respective governing bodies. The plenary should welcome inputs and suggestions from, and the participation of, United Nations bodies related to biodiversity and ecosystem services as determined by their respective governing bodies. The plenary should also encourage and take into

account, as appropriate, inputs and suggestions made by relevant stakeholders, such as other intergovernmental organizations, international and regional scientific organizations, environment trust funds, non-governmental organizations and the private sector. To facilitate this, and to ensure that the platform's work programme is focused and efficient, a process to receive and prioritize requests should be established by the plenary;

(b) The platform should identify and prioritize key scientific information needed for policymakers at appropriate scales and catalyse efforts to generate new knowledge by engaging in dialogue with key scientific organizations, policymakers and funding organizations, but should not directly undertake new research;

(c) The platform should perform regular and timely assessments of knowledge on biodiversity and ecosystem services and their interlinkages, which should include comprehensive global, regional and, as necessary, subregional assessments and thematic issues at appropriate scales and new topics identified by science and as decided upon by the plenary. These assessments must be scientifically credible, independent and peer-reviewed, and identify uncertainties. There should be a clear and transparent process for sharing and incorporating relevant data. The platform should maintain a catalogue of relevant assessments, identify the need for regional and subregional assessments and help to catalyse support for subregional and national assessments, as appropriate;

(d) The platform should support policy formulation and implementation by identifying policy-relevant tools and methodologies, such as those arising from assessments, to enable decision makers to gain access to those tools and methodologies, and, where necessary, to promote and catalyse their further development;

(e) The platform should prioritize key capacity-building needs to improve the science-policy interface at appropriate levels and then provide and call for financial and other support for the highest-priority needs related directly to its activities, as decided by the plenary, and catalyse financing for such capacity building activities by providing a forum with conventional and potential sources of funding;

(f) The platform should be administered by one or more existing United Nations organizations, agencies, funds or programmes;

(g) The plenary, which should be the platform's decision-making body, should be open to participation by all States Members of the United Nations and by regional economic integration organizations. Intergovernmental organizations and other relevant stakeholders should participate in the plenary as observers, in accordance with the rules of procedure established by the plenary. Through its rules of procedure, the plenary should in general take decisions by consensus of Government representatives;

(h) One chair and four vice-chairs, taking due account of the principle of geographical balance among the five United Nations regions, should be nominated and selected by Governments which are members of the plenary. The criteria, nomination process and length of service should be decided by the plenary;

(i) A core trust fund to be allocated by the plenary should be established to receive voluntary contributions from Governments, United Nations bodies, the

Global Environment Facility, other intergovernmental organizations and other stakeholders, such as the private sector and foundations;

2. *Also determines* that in carrying out its work the intergovernmental science-policy platform for biodiversity and ecosystem services should:

(a) Collaborate with existing initiatives on biodiversity and ecosystem services, including multilateral environmental agreements, United Nations bodies and networks of scientists and knowledge holders, to fill gaps and build upon their work, while avoiding duplication;

(b) Be scientifically independent and ensure credibility, relevance and legitimacy through the peer review of its work and transparency in its decision-making processes;

(c) Use clear, transparent and scientifically credible processes for the exchange, sharing and use of data, information and technologies from all relevant sources, including non-peer-reviewed literature, as appropriate;

(d) Recognize and respect the contribution of indigenous and local knowledge to the conservation and sustainable use of biodiversity and ecosystems;

(e) Provide policy-relevant information, but not policy-prescriptive advice, mindful of the respective mandates of the multilateral environmental agreements;

(f) Integrate capacity-building into all relevant aspects of its work according to priorities decided by the plenary;

(g) Recognize the unique biodiversity and scientific knowledge thereof within and among regions, and also recognize the need for the full and effective participation of developing countries and for balanced regional representation and participation in its structure and work;

(h) Take an interdisciplinary and multidisciplinary approach that incorporates all relevant disciplines, including social and natural sciences;

(i) Recognize the need for gender equity in all relevant aspects of its work;

(j) Address terrestrial, marine and inland water biodiversity and ecosystem services and their interactions;

(k) Ensure the full use of national, subregional and regional assessments and knowledge, as appropriate;

3. *Requests* the Executive Director of the United Nations Environment Programme, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director-General of the Food and Agriculture Organization of the United Nations, to make appropriate institutional arrangements to establish and support the intergovernmental science-policy platform for biodiversity and ecosystem services, subject to further consideration of the roles of these organizations by their respective governing bodies;

4. *Notes* that the efficiency and effectiveness of the intergovernmental science-policy platform for biodiversity and ecosystem services should be independently reviewed and evaluated on a periodic basis as decided by the plenary, with adjustments to be made as necessary;

5. *Calls on* Governments, relevant international organizations, including multilateral environmental agreements, and other relevant stakeholders to support the functions of the intergovernmental science-policy platform for biodiversity and ecosystem services and actively participate in its work.

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General Assembly

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Sixty-fifth session

# Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

## Compensation for damage caused by colonialism

### Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Compensation for damage caused by colonialism".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are annexed hereto.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

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## Annex I

[Original: Arabic]

### Explanatory memorandum

The majority of the peoples currently represented at the United Nations have, in the course of their history, undergone the bitter experience of colonialism. The colonial Powers occupied their land and subjected them to the harshest and most inhuman forms of treatment, in blatant violation of human rights and the principles of dignity enshrined in all divine religions and human cultures.

The damage of colonialism extended to every aspect of life in the colonized territories. The inhabitants were mere slaves to their colonial masters. In many cases, they were sold into slavery and transported to other countries at vast distances from their homeland. Colonialism perpetuated slavery, exploiting slaves and raw materials from colonized territories in order to advance colonial countries and build modern civilization.

Inhabitants of colonized countries were killed and subjected to collective and individual imprisonment, forced migration, exile and enslavement. Attempts were made to obliterate their national languages and cultures and replace them with the language and culture of the colonizer.

The colonizer forcibly enlisted hundreds of thousands of inhabitants of colonized countries, who lost their lives in wars from which they had nothing to gain. As a result, their families were subjected to unbearable suffering.

The colonized countries sustained massive damage as a result of illegal economic exploitation, the massive draining of resources, the plundering of natural wealth and cultural and historic property, and environmental contamination caused by radiation from nuclear testing, which led to considerable human and material damage.

The crimes of colonialism contributed significantly to the difficult economic and social situation which a majority of the peoples of the African continent continue to face. That predicament has forced millions of inhabitants to risk their lives in order to emigrate to the wealthy countries, their former colonial masters.

While the colonists have departed from many countries, landmines and explosive remnants of war remain from the colonial era, which continue to take lives and hamper development efforts. The States that planted or left the landmines bear responsibility for their removal. They should promptly assist the affected countries in their efforts to remove landmines and explosive remnants of war by providing maps, the necessary technology and expertise.

In 1960, the United Nations General Assembly played an important role in ending colonization through the adoption of resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. The time has now come for it to complete that task by removing the damage of colonialism and criminalizing the latter as the worst human rights violation.

By virtue of resolution CM/RES/1339, adopted on 1 June 1991 in Abuja, the Ministers for Foreign Affairs of the Organization of African Unity, which has since been succeeded by the African Union, decided to establish a group to set out clearly

the extent of Africa's exploitation, the liability of the perpetrators and the strategy for achieving reparation.

In its statements and at its summits, the Non-Aligned Movement has called on colonial States to compensate colonized peoples for the damage inflicted.

In order to build confidence among States, remove ill will and consolidate international cooperation on the basis of justice, equality and mutual respect, there is an urgent need for colonized peoples to receive an apology and equitable compensation. Poor peoples would thereby gain an opportunity to invest in programmes to combat illiteracy, poverty, hunger and disease. Compensation would also help to stem illegal migration from poor to wealthy countries.

A number of States with a colonial past have apologized to the peoples they colonized. Austria and Hungary have apologized to the Balkan peoples, Japan to China and Korea, and Australia to the indigenous Australians. Italy recently apologized to the Libyan Arab Jamahiriya and agreed to pay compensation to the Libyan people. Such initiatives should lead all States to criminalize colonialism and compensate its victims. The Libyan Arab Jamahiriya therefore requests the inclusion of a supplementary item on the agenda of the General Assembly entitled "Compensation for damage caused by colonialism", and wishes to submit a draft resolution on the topic.

## Annex II

[Original: Arabic]

### Draft resolution
### Compensation for damage caused by colonialism

*The General Assembly*,

*Recalling* the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

*Reaffirming* the importance of effective protection of and respect for human rights, including the right of peoples to self-determination in accordance with the Charter of the United Nations, international human rights law and the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

*Commending* the important role played by the United Nations since its establishment in ending colonialism in non-self-governing territories, including through the adoption in 1960 of General Assembly resolution 1514 (XV) and the follow-up to its implementation,

*Reiterating* its conviction that all of the effects of colonialism and racial discrimination must be eliminated, and human rights violations curbed,

*Noting* that the colonized peoples were subjected to economic exploitation, their resources drained on a massive scale, and their natural resources and cultural and historic property plundered,

*Further noting* that certain colonized territories sustained massive damage as a result of their illegal use by colonial powers, including for nuclear tests which contaminated the air and sea with radiation and harmful materials, displaced inhabitants and transformed their natural way of life,

*Mindful of* the suffering of colonized peoples under foreign occupation and the violations of international law to which they were subjected, including killings, collective and individual imprisonment, forced migration, exile, enslavement and attempts to obliterate their national languages and cultures and replace them with the language and culture of the colonizer,

*Conscious* that the concealment of realities concerning colonized territories and the conditions of their inhabitants under foreign occupation has resulted in the distortion of the history of colonized peoples, causing considerable moral damage,

*Conscious also* of the suffering of the families of hundreds of thousands of inhabitants of colonized territories who were enlisted by the colonial powers and lost their lives in wars from which they had nothing to gain,

*Mindful* of the role of colonialism in perpetuating slavery and exploiting slaves and raw materials from the colonized territories in order to advance the colonial States and build modern civilization,

*Reaffirming* the principle that peoples under foreign occupation have permanent sovereignty over their natural resources,

*Expressing grave concern* at the continuing suffering of many of the peoples subjected to colonialism as a result of the mines and explosive remnants of war which were left by colonialism and continue to take lives and hamper development efforts,

*Recalling* its resolutions 3534 (XXX) of 9 December 1975, 35/71 of 5 December 1980, 36/188 of 17 December 1981, 37/210 of 20 December 1982, 38/162 of 19 December 1983, 39/167 of 17 December 1984 concerning the remnants of war, 55/2 of 8 September 2000 containing the United Nations Millennium Declaration, and 60/1 of 16 September 2005 containing the 2005 World Summit Outcome,

*Recalling also* the relevant resolutions and recommendations of other international and regional organizations and, in particular, the Non-Aligned Movement, the African Union, the Organization of the Islamic Conference and the United Nations Environment Programme,

*Reaffirming* the relevant resolutions of the Commission on Human Rights adopted at past sessions concerning the effects of intervention, aggression and military occupation which violate the right of peoples to self-determination, as well as other human rights enshrined in international humanitarian law,

*Mindful of* the historic precedents for compensation in respect of damage arising from occupation, wars and their effects and, in particular, the compensation that followed the two most recent World Wars,

*Expressing its regret* that adequate measures have not been taken to resolve issues related to the colonial past, such as apologies; compensation for the loss of property and lives; removal of explosive remnants of war; and restitution of cultural property to its countries of origin,

*Recognizing* that equitable compensation for colonized peoples would enable them to invest in programmes to combat illiteracy, poverty, hunger and disease, in addition to promoting the realization of the Millennium Development Goals and sustainable development and helping to stem the flow of migration from poor to wealthy countries,

*Emphasizing* that an apology and the provision of equitable compensation for colonized peoples would prevent the recurrence of colonialism,

*Emphasizing also* that compensation for the colonial period would build confidence among States; remove ill will; consolidate international cooperation on the basis of justice, equality and mutual respect; further the common good; and promote international peace and security,

1. *Reaffirms* that colonialism in any form or manifestation, including economic exploitation, is inconsistent with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights; constitutes an illegal act; and contravenes the values and ethical codes established by the divine religions and human cultures across the ages;

2. *Reaffirms also* its determination to take the necessary steps for the complete elimination of the effects of colonialism, and to ensure that all States comply with the pertinent provisions of the Charter of the United Nations, the

Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

3. *Expresses concern* at the human and material damage sustained by the peoples subjected to colonialism, damage that has hampered their efforts to eradicate poverty, hunger, disease and illiteracy and achieve economic growth;

4. *Emphasizes* that the peoples that have endured colonial control, or continue to do so, have a right to receive an apology and equitable compensation from colonial States in reparation for the damage sustained;

5. *Welcomes* the fact that certain States have declared their responsibility for the illegal practices of their former colonial Governments, have apologized for those practices and have expressed their preparation to pay appropriate compensation for the human and material damage incurred;

6. *Requests* all States whose former Governments were involved in the implementation of colonial policies promptly to rid themselves of their colonial legacy, and to work to erase the effects of that period by apologizing to the colonized peoples, providing them with equitable compensation for the human, economic and social damage inflicted, returning their cultural and artistic property, and helping them to reclaim the land contaminated by radiation and harmful materials;

7. *Emphasizes* that formerly colonized peoples have a right to recover all of their archives, including official documentation in the possession of the colonial powers concerning those peoples and their homelands;

8. *Stresses* that it is important for States subjected to colonialism to be given preference in trade exchanges and priority in the receipt of financial and technical assistance towards programmes and steps aimed at promoting their economies;

9. *Requests* the Secretary-General to present an outline for the establishment of an international mechanism to evaluate requests for compensation in respect of colonial damage, taking into consideration the views of Member States, the Human Rights Council and relevant non-governmental organizations;

10. *Requests* all States to inform the Secretary-General of the measures taken in implementation of this resolution;

11. *Requests* the Secretary-General to submit a report on the implementation of this resolution to the General Assembly at its sixty-sixth session;

12. *Decides* to remain seized of the matter.

United Nations A/65/193

General Assembly

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Sixty-fifth session

# Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

## Verification of the implementation of nuclear disarmament obligations

### Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Verification of the implementation of nuclear disarmament obligations".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are attached.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

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## Annex I

[Original: Arabic]

## Explanatory memorandum

Since the invention of nuclear weapons life on Earth has been under a grave threat. Major international efforts should be undertaken with a view to preventing the use of such weapons and reaching agreement on their complete elimination.

The Treaty on the Non-Proliferation of Nuclear Weapons was a major step towards sparing humankind the scourge of nuclear weapons. It established inspection and monitoring mechanisms to prevent diversion of nuclear energy from peaceful uses to nuclear weapons, and also provided that nuclear States should pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

The nuclear States insist that they are carrying out their nuclear disarmament obligations, while at the same time they seek to conclude additional agreements that place new obligations on the non-nuclear-weapon States. In the meantime, there is no international mechanism for verifying that nuclear-weapon States are making nuclear weapons reductions with a view to achieving the ultimate goal of complete nuclear disarmament under strict international control.

With the foregoing in mind, the international community must strive for the realization of the two central goals of the Treaty on the Non-Proliferation of Nuclear Weapons, namely, nuclear disarmament and nuclear non-proliferation, by ensuring fulfilment by all States of their obligations under the Treaty and ensuring accession to the Treaty by all States as non-nuclear States.

International peace and security will not be achieved by possession of nuclear weapons or the threat of their use, but rather by promoting the principles of cooperation and understanding. Accordingly, the Libyan Arab Jamahiriya voluntarily announced on 19 December 2003 that it was renouncing all programmes and equipment related to weapons of mass destruction. In the draft resolution annexed to the present letter, the Libyan Arab Jamahiriya calls on all nuclear-weapon States, including those that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to submit all their nuclear installations to inspection and monitoring by the International Atomic Energy Agency. Our sole objective is to bring about the fulfilment by nuclear-weapon States of their nuclear disarmament obligations.

## Annex II

[Original: Arabic]

### Draft resolution
### Verification of the implementation of nuclear disarmament obligations

*The General Assembly*,

*Reaffirming* the commitment of the international community to the goal of the total elimination of nuclear weapons and the establishment of a nuclear-weapon-free world,

*Bearing in mind* paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, which called for the urgent negotiation of agreements for the cessation of the qualitative improvement and development of nuclear-weapon systems, and for a comprehensive and phased programme with agreed time frames, wherever feasible, for the progressive and balanced reduction of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time,

*Reaffirming* the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

*Taking into account* the outcome of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held from 3 to 28 May 2010,

*Mindful of* the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

*Stressing* the importance of the 13 steps for the systematic and progressive efforts to achieve the objective of nuclear disarmament leading to the total elimination of nuclear weapons, as agreed to by the States parties in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Reaffirming* that nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes requiring urgent irreversible progress on both fronts,

*Recalling* the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996, in which the Court's consensus was that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

*Recognizing* the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

*Affirming* the need for early entry into force of and strict adherence to the Comprehensive Nuclear-Test-Ban Treaty,

*Recognizing also* the importance of the continuation of efforts to establish nuclear-weapon-free zones around the world and, in particular, in the Middle East, which would play an effective role in achieving international peace and security,

*Noting* the recent positive statements by nuclear-weapon States regarding their intention to pursue actions to achieve a world free of nuclear weapons, while reaffirming the need for urgent concrete actions by nuclear-weapon States to achieve nuclear disarmament within a specified framework of time,

*Welcoming* the signature on 8 April 2010 in Prague of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms as a step towards greater reductions in those two countries' nuclear arsenals, with a view to their eventual total elimination,

*Stressing* the need to verify implementation of disarmament commitments by nuclear-weapon States, and the importance of monitoring unilateral, bilateral and multilateral measures taken by those States to reduce their nuclear weapons arsenals and stocks of nuclear materials,

*Noting* that a number of nuclear-weapon States continue to permit inspections of their nuclear facilities on a voluntary basis,

*Noting* that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under strict and effective international control,

1. *Stresses* the central role of the Treaty on the Non-Proliferation of Nuclear Weapons in the achievement of nuclear disarmament and nuclear non-proliferation, and calls on all States parties to fulfil their obligations under that Treaty;

2. *Affirms* the vital importance of universality of the Treaty on the Non-Proliferation of Nuclear Weapons and calls on all States not parties to the Treaty to accede as non-nuclear-weapon States to the Treaty promptly and without any conditions, and to comply with its provisions in the interim;

3. *Reaffirms* that nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing, that the two processes must go hand in hand and that there is a genuine need for a systematic and progressive process of nuclear disarmament;

4. *Recognizes* that the time is now opportune for all the nuclear-weapon States to take effective disarmament measures under effective and verifiable international supervision;

5. *Stresses* the importance of applying the principles of transparency, irreversibility and verifiability to the process of nuclear disarmament and to measures to limit or reduce nuclear arms and all other weapons of mass destruction and their delivery systems;

6. *Calls* on all nuclear-weapon States, including those not parties to the Treaty, to submit all their nuclear installations to the Comprehensive Safeguards System of the International Atomic Energy Agency (IAEA) as part of an agreement negotiated and signed with the Agency, for the exclusive purpose of verification of the fulfilment of the obligations of nuclear-weapon States;

7. *Decides* that all nuclear facilities of Member States of the United Nations shall be subject to mandatory inspection by IAEA;

8. *Requests* the Secretary-General to submit a report to the sixty-sixth session of the General Assembly on implementation of the present resolution;

9. *Decides* to remain seized of the matter.

United Nations A/65/194

General Assembly

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Sixty-fifth session

# Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

## Enhancing and expanding the functions and powers of the General Assembly

### Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

In accordance with the rules of procedure of the General Assembly, rule 14, I have the honour to request the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Enhancing and expanding the functions and powers of the United Nations General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are annexed hereto.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

10-47276 (E) 190810 190810

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## Annex I

[Original: Arabic]

## Explanatory memorandum

1. The United Nations was established in 1945, as the world was emerging from a destructive and bloody war, and the peoples of the world hoped that it would play an important part in enabling mankind to avoid the horrors of war. The States that had been victorious in the war were instrumental in setting up the organization, and formulated its Charter in a manner designed to assure them more rights than the other States of the world. That is a major shortcoming that other States Members have been unable to address. However, great changes have taken place throughout the world: situations have altered and blocs have become more numerous, making it unacceptable for the United Nations, which currently has 192 Members, to remain just as it was when it had only 50 Members. There is a clear need to reform the Organization and, in particular, the General Assembly, which represents the whole world but is currently unable to overcome the obstacles it faces and play an authoritative part in maintaining international peace and security. It is, furthermore, unable to command respect for its resolutions and ensure that they are implemented, and must therefore be granted the full powers that will enable it to shoulder its responsibilities.

2. In the Outcome Document of the 2005 World Summit, States Members reaffirmed the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations, as well as the role of the Assembly in the process of standard-setting and the codification of international law. Heads of State and Government welcomed the measures adopted by the General Assembly with a view to strengthening its role and authority and the role and leadership of the President of the Assembly and, to that end, called for their full and speedy implementation.

3. While the General Assembly has, over the years, adopted many resolutions that have included numerous significant measures designed to promote its role, a great number of other central reforms are required. Such reforms include, inter alia, making General Assembly resolutions binding on all Member States and other United Nations bodies, including the Security Council, which must serve as a tool for the implementation of those resolutions.

4. The competencies of the General Assembly grant it the status of both a central supervisory and monitoring body and a forum for the discussion of all internal matters. Under the Charter of the United Nations, Article 10, the General Assembly may discuss any questions or any matters within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter, and, except as provided in Article 12, may make recommendations to Members of the United Nations or to the Security Council or to both on any such questions or matters.

5. While the above-mentioned article gives the Assembly general and comprehensive authority to discuss any questions or any matters within the scope of the Charter, numerous other provisions of the Charter circumscribe its powers and obstruct the performance by the Assembly of the pivotal role set forth in Article 10. Article 12, paragraph 1, for example, provides that, while the Security Council is exercising its functions in respect of any dispute or situation, the General Assembly

shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests. Article 4, paragraph 2, provides that States will be admitted to membership of the United Nations by a decision of the General Assembly upon the recommendation of the Security Council. Pursuant to Article 97, the General Assembly also requires the recommendation of the Security Council in order to appoint the Secretary-General. Article 27, paragraph 3, provides that decisions of the Security Council on all matters other than procedural matters shall be made by an affirmative vote of nine members, including the concurring votes of the permanent members, thereby conferring on those permanent members the right to exercise a veto, a right which does not accord with the principle of the sovereign equality of all United Nations Members. While Article 18, paragraph 1, provides that each member of the General Assembly shall have one vote, members of the International Court of Justice are elected by the General Assembly and by the Security Council, which effectively gives Security Council members two votes: one in each body. The Charter must therefore be amended in order to give the General Assembly full powers.

6. Given that the General Assembly is the main United Nations body in which all Members are represented, and that it has genuine legitimacy and is tantamount to a world parliament, it is essential to expand its mandate and powers in order to reflect its universality and the role with which it has been entrusted which, as provided for in the Charter, includes matters relating to the maintenance of international peace and security, and its resolutions must be considered binding on all States Members and United Nations bodies, including the Security Council, which must serve as a tool for the implementation of those resolutions.

## Annex II

[Original: Arabic]

## Draft resolution
## Enhancing and expanding the functions and powers of the United Nations General Assembly

*The General Assembly*,

*Recalling* the historic 2000 Millennium Declaration and the 2005 World Summit Outcome and the commitments Member States made therein to reach specific goals with the aim of achieving peace and security, together with other commitments that included strengthening both the rule of law and the role of the organization,

*Recalling also* resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

*Recalling further* its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

*Referring to* its powers pursuant to resolution 377 (V), entitled "Uniting for Peace",

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Acknowledging* that the General Assembly is the chief deliberative and general policymaking organ of the United Nations,

*Recognizing* the importance of promoting institutional equilibrium and coordination between the General Assembly and the other main bodies as part of the comprehensive reform of the United Nations,

*Considering* that the efforts jointly exerted by the General Assembly, the Security Council and the Social and Economic Council are essential if comprehensive and constructive solutions are to be found to global problems and challenges,

*Recalling* the provisions of the Charter of the United Nations respecting the functions and powers of the General Assembly, including those which refer to the maintenance of international peace and security,

*Recalling also* that the General Assembly represents a forum for multilateral discussion of the whole spectrum of international issues covered by the Charter, and that it is entitled to consider and put forward suggestions on any of the questions or matters that affect or are connected with the powers and functions of any United Nations organ,

*Reaffirming* the need for General Assembly resolutions to be considered as binding, thereby enabling the Assembly to work effectively in its capacity as the chief representative organ of the United Nations and enjoy genuine legitimacy in giving expression to the will of every Member State,

*Taking into consideration* the reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,

1. *Decides* to consider expanding the functions and powers of the United Nations General Assembly as the chief body that represents all Members of the United Nations;

2. *Decides also* to take appropriate measures to expand the functions and powers of the United Nations General Assembly;

3. *Decides further* that all General Assembly resolutions shall be binding on all Member States and other United Nations bodies, including the Security Council;

4. *Decides* to remain seized of the matter.